

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lever *et al.*

Application No. 10/567,661

Filed: February 8, 2006

Confirmation No. 3959

For: CHIMAERIC VECTOR SYSTEM

FILED VIA EFS

Examiner:

Art Unit: 1642

Attorney Reference No. 6947-73323-01

SUBMITTED VIA ELECTRONIC FILING SYSTEM
UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR CORRECTION OF PRIORITY DATE

In reviewing the U.S. Patent and Trademark Office on-line information system (PAIR), Applicants noted an error has been made with regard to the priority date granted to the subject application. In particular, PAIR indicates that the priority date for this application is August 4, 2003 – in fact, the priority date is August 8, 2003, as discussed below. Correction of the Patent Office records is respectfully requested.

The subject application is a §371 National Stage filing, corresponding to international application PCT/GB2004/003438 filed August 8, 2004; that PCT application claims priority to earlier filed Great Britain (GB) Application 0318704.4, which was filed August 8, 2003. Applicants attach a copy of the cover sheet of International Publication WO 2005/014836, which shows these dates (**Exhibit A**).

Priority was properly claimed to the filing date of GB 0318704.04 (August 8, 2003) when the current application was filed. This is reflected at least on the §371 transmittal letter (a copy of which is attached; **Exhibit B**) and in the Amendments to the Specification submitted by preliminary amendment (a copy of the first two pages of the amendment are submitted herewith, showing the priority claim on the second page; **Exhibit C**).

Applicants request that the error in the priority date be corrected, so that the official Filing Receipt will be correct when issued.

Please call the undersigned if any further information is required.

Respectfully submitted,

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cc: Docketing

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
17 February 2005 (17.02.2005)

PCT

(10) International Publication Number
WO 2005/014836 A2

(51) International Patent Classification?: C12N 15/867, (74) Agents: SUTCLIFFE, Nicholas et al.; Mewburn Ellis LLP, York House, 23 Kingsway, London, Greater London WC2B 6HP (GB).

(21) International Application Number:
PCT/GB2004/003438

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(22) International Filing Date: 9 August 2004 (09.08.2004)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
0318704.4 8 August 2003 (08.08.2003) GB

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIGO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(71) Applicants (for all designated States except US): CAMBRIDGE UNIVERSITY TECHNICAL SERVICES LIMITED [GB/GB]; The Old Schools, Trinity Lane, Cambridge, Cambridgeshire CB2 1TS (GB). GENE DEVELOPMENTS LIMITED [GB/GB]; Salisbury House, Station Road, Cambridge, Cambridgeshire CB1 2LA (GB).

(72) Inventors; and

(75) Inventors/Applicants (for US only): LEVER, Andrew, Michael, Lindsay [GB/GB]; 1 Maners Way, Cambridge, Cambridgeshire CB1 8SL (GB). STRAPPE, Padraig, Michael [IE/IE]; 54 Carrigeen, Clybawn Road, Knocknacarra, Galway (IE).

Published:

— without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

WO 2005/014836 A2

(54) Title: CHIMAERIC VECTOR SYSTEM

(57) Abstract: Chimaeeric Vector Systems This invention relates to a process for producing a Simian Immunodeficiency Virus (SIV) encoding a heterologous gene, which process comprises infecting a host cell with a first vector which is capable of producing SIV capsid and a second vector comprising a Human Immunodeficiency Virus type 2 (HIV -2) packaging signal sufficient to package the second vector in the SIV capsid and a heterologous gene capable of being expressed by the vector, and culturing the host cell.



TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A NATIONAL STAGE FILING UNDER 35 U.S.C. § 371		ATTORNEY'S DOCKET NUMBER 6947-73323-01
INTERNATIONAL APPLICATION NO. PCT/GB2004/003438	INTERNATIONAL FILING DATE 9 August 2004 (09/08/2004)	U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)
		PRIORITY DATE CLAIMED 8 August 2003 (08/08/2003)
TITLE OF INVENTION CHIMAERIC VECTOR SYSTEM		
APPLICANT(S) FOR DO/EO/US Andrew Michael Lindsay LEVER, Padraig Michael STRAPPE		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. § 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1). Items 5, 6, 9 and 21 indicated below are submitted to make this express request. 4. <input type="checkbox"/> The United States has been elected in a Demand for International Preliminary Examination (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. § 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English-language translation of the International Application (35 U.S.C. § 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau to the United States Receiving Office). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English-language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)) (unsigned). 10. <input type="checkbox"/> An English-language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(3)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 and the Recordal fee of \$40.00 are included. 13. <input checked="" type="checkbox"/> A preliminary amendment, including an abstract on a separate page. 14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A sequence listing (paper copy), a computer-readable form of the sequence listing (diskette), and a Statement in Compliance. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. § 154(d)(4). 19. <input type="checkbox"/> A second copy of the English-language translation of the international application under 35 U.S.C. § 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <input checked="" type="checkbox"/> International Search Report.</p>		



EV668455222US

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)	INTERNATIONAL APPLICATION NO PCT/GB2004/003438	ATTORNEY'S DOCKET NUMBER 6947-73323-01																
<p>The following fees are submitted:</p> <p>21. <input checked="" type="checkbox"/> Basic national fee (37 C.F.R. 1.492(a)) \$300</p> <p>22. <input checked="" type="checkbox"/> Examination fee (37 C.F.R. 1.492 (c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200</p> <p>23. <input checked="" type="checkbox"/> Search fee (37 C.F.R. 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Articles 33(1)-(4) \$0 Search fee (37 C.F.R. 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500</p>																		
TOTAL OF 21, 22, and 23 = \$ 900.00																		
<p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p> <table border="1" style="width: 100%;"> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th>RATE</th> </tr> <tr> <td>61 - 100</td> <td>0 / 50 =</td> <td>0</td> <td>x \$250</td> </tr> </table>			Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	61 - 100	0 / 50 =	0	x \$250								
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61 - 100	0 / 50 =	0	x \$250															
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).																		
<table border="1" style="width: 100%;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>33 - 20 =</td> <td>13</td> <td>x \$50.00</td> </tr> <tr> <td>Independent Claims</td> <td>4 - 3 =</td> <td>1</td> <td>x \$200.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360.00</td> </tr> </tbody> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	33 - 20 =	13	x \$50.00	Independent Claims	4 - 3 =	1	x \$200.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE															
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Independent Claims	4 - 3 =	1	x \$200.00															
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00															
TOTAL OF ABOVE CALCULATIONS = \$ 1,880.00																		
<p><input type="checkbox"/> Small entity status is claimed for this application. Fees above are reduced by 1/2.</p>																		
SUBTOTAL = \$ 1,880.00																		
<p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 C.F.R. §§ 1.492(f)).</p>																		
TOTAL NATIONAL FEE = \$ 1,880.00																		
<p>Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property.</p>																		
TOTAL FEES ENCLOSED = \$ 300.00																		
<table border="1" style="width: 100%;"> <tr> <td>Amount to be refunded</td> <td>\$</td> </tr> <tr> <td>Amount to be charged</td> <td>\$</td> </tr> </table>			Amount to be refunded	\$	Amount to be charged	\$												
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<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 300.00 to cover the basic national fee is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 02-4550. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Please return the enclosed postcard to confirm that the items listed above have been received.</p>																		
<p>NOTE: Where an appropriate time limit under 37 C.F.R. § 1.494 or § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>																		
<p>SEND ALL CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH CUSTOMER NUMBER 24197</p>																		
<p>KLARQUIST SPARKMAN, LLP One World Trade Center, Suite 1600 121 S W. Salmon Street Portland, OR 97204-2988</p>																		
<p>SIGNATURE Tanya M. Harding, Ph.D. NAME 42630 REGISTRATION NUMBER</p>																		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lever *et al.*

Application No.

Filed: Herewith

Confirmation No.

For: CHIMAERIC VECTOR SYSTEM

Examiner:

Art Unit:

Attorney Reference No. 6947-73323-01

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PRELIMINARY AMENDMENT

Prior to examination of the above-identified application or calculation of the filing fee,
please amend the specification and claims as requested below:

Amendments to the Specification begin on page 2.

Amendments to the Claims are reflected in the listing of claims, which begins on page 3.

Remarks are on page 10.

An Abstract on a separate page is attached at the end of this document.



Amendments to the Specification

Please add the following new paragraph after the application title on page 1:

--Cross Reference to Related Applications

This is a § 371 U.S. national stage of International Application No. PCT/GB2004/003438, filed August 9, 2004, which claims the benefit of Great Britain Application No. 0318704.4, filed August 8, 2003. Both applications are incorporated herein in their entirety.--

Please insert the attached Abstract as the last page of the specification.